

State of California
AIR RESOURCES BOARD

Resolution 99-23

June 24, 1999

Agenda Item: 99-5-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board ("Board") to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the Board by law;

WHEREAS, section 39607(d) of the Health and Safety Code requires the Board to adopt test procedures to measure compliance with its nonvehicular, or stationary source, emission standards and those of the air pollution control and air quality management districts ("districts");

WHEREAS, section 41950 of the Health and Safety Code requires the installation of vapor recovery systems for gasoline vapor control during gasoline marketing operations;

WHEREAS, section 41954 of the Health and Safety Code requires the Board to adopt procedures for determining the compliance of any system designed for the control of gasoline vapor emissions during gasoline marketing operations with performance standards established by the Board;

WHEREAS, the Board's staff has identified improvements for four existing gasoline-marketing vapor recovery certification and test procedures, CP-201, TP-201.4, TP-201.5, and TP-201.6;

WHEREAS, the Board's staff has proposed amendments to Title 17, California Code of Regulations, sections 94011, 94153, 94154, and 94155 which incorporate by reference the identified improved vapor recovery certification and test procedures;

WHEREAS, the proposed amendments and adoptions are reasonable and necessary to achieve and maintain applicable ambient air quality standards;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available which would substantially reduce or avoid such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 3.5);

WHEREAS, the Board has considered the preliminary impact of the proposed regulatory action

on the economy of the state; and

WHEREAS, the Board finds that:

Amendment and adoption of the provisions of Title 17, California Code of Regulations, as set forth in Attachment 1 hereto, and the incorporation of the proposed amended vapor recovery certification and test procedures as set forth in Attachment 2 hereto, are necessary and appropriate to satisfy the requirements of sections 39601 and 39607(d) of the Health and Safety Code;

The actions approved herein will have no significant adverse environmental impacts and that the regulations are projected to have a positive air quality impact; and

There is no alternative considered by the Board which would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendment of Title 17, California Code of Regulations, sections 94011, 94153, 94154, and 94155, as set forth in Attachment 1, which incorporate by reference the improved vapor recovery certification and test procedures, CP-201, TP-201.4, TP-201.5, and TP-201.6, as noticed on May 7, 1999, with the modifications directed in Attachment 2.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to adopt the amendments, with the modifications directed in Attachment 2, after making them available to the public for a period of 15 days, as required by Government Code Section 11346.8, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make further modifications as may be appropriate in light of the comments received or for consistency with the modifications in Attachment 2, and shall present the modifications to the Board for further consideration if he determines this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 99-23, as adopted by the Air Resources Board.

Pat Hutchens, Clerk of the Board

Resolution 99-23

June 24, 1999

Identification of Attachments to the Resolution

Attachment 1: Amendments to sections 94011, 94153, 94154, and 94155, Title 17, California Code of Regulations, as noticed on May 7, 1999.

Attachment 2: Modifications to Vapor Recovery Certification and Test Procedures, CP-201, TP- 201.4, TP-201.5, and TP-201.6, as suggested by staff and as directed by the Board.